

WAWRZYN & JARVIS LLC

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VIA ECF & E-MAIL:

Hon. Richard J. Sullivan
United States District Court Judge
40 Foley Square
New York, NY 10007
sullivannysdchambers@nysd.uscourts.gov

Re: *Grecia v. MasterCard Inc., 15-cv-9059 (RJS)*
Grecia v. Visa Inc., 15-cv-9210 (RJS)
Grecia v. American Express Co., 15-cv-9217 (RJS)
Grecia v. 1-800-Flowers.com, Inc., 16-cv-7022 (RJS)
Grecia v. BestBuy.com, LLC, 16-cv-7024 (RJS)
Grecia v. J. Crew Group, Inc., 16-cv-7025 (RJS)
Grecia v. Nieman Marcus Group, Inc., 16-cv-7026 (RJS)
Grecia v. Adorama Camera, Inc., 16-cv-7111 (RJS)

Dear Judge Sullivan:

William Grecia re-engaged Wawrzyn & Jarvis LLC in the actions referenced above. This letter notifies the Court that we will continue to represent Mr. Grecia in those actions and to respond briefly to the unsolicited letter the credit card companies filed yesterday.

There is an insufficient basis to continue the stay of the litigation against the credit card companies. The petition for *inter partes* review filed by DISH involves 1 of the 3 patents asserted against the credit card companies. That petition involves 1 of the 57 patent claims asserted against them. And, in any event, the litigation was stayed for all of 2016 based on the Unified Patents IPR petitions, all of which the patent office rejected. The likelihood of the patent office instituting the DISH IPR is remote, because the asserted art lacks a connection to a verified web service—the same inadequacy noted by the patent office with respect to the Unified Patents petitions.

The credit card companies see fit to also argue on behalf of the retailer defendants. The DISH IPR attacks the validity of the ‘308 patent, which Grecia does not assert against the retailer defendants. Thus, where the basis for a stay of the credit card company litigation is insufficient, the basis for a stay is wholly lacking in the cases against the retailers.¹

Mr. Grecia respectfully requests that the Court enter an order setting a case management conference.

¹ The credit card companies are wrong that Adorama has not been served. Adorama was served October 26, 2016, and is in default.

HON. RICHARD J. SULLIVAN

DECEMBER 7, 2016

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Respectfully submitted,



Matthew M. Wawrzyn

cc via CM/ECF: All Counsel of Record